

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern District of New York  
(State)

Case number (if known): Chapter 11

FILED  
U.S. BANKRUPTCY COURT  
2017 SEP 29 P 3:29  
S.D. OF N.Y.

☐ Check if this is an amended filing

Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

04/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Shomara, Inc.

2. All other names debtor used in the last 8 years Mojito's  
Include any assumed names, trade names, and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 14 - 1962101

4. Debtor's address

Principal place of business		Mailing address, if different from principal place of business
<u>227 E. 116th Street</u> Number Street		<u>Same</u> Number Street
<u>Ground Floor</u>		P.O. Box
<u>New York, NY</u> City	<u>10029</u> State ZIP Code	City State ZIP Code
<u>New York</u> County		Location of principal assets, if different from principal place of business
		Number Street
		City State ZIP Code

5. Debtor's website (URL) None

6. Type of debtor  
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other. Specify: \_\_\_\_\_

Debtor Shomara, Inc.  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

**B. Check all that apply:**

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

**C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.** See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

\_\_\_\_\_

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

**Check one:**

- ☐ Chapter 7  
☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).  
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

☒ No

☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY  
District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
MM / DD / YYYY

If more than 2 cases, attach a separate list.

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

☒ No

☐ Yes. Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
District \_\_\_\_\_ When \_\_\_\_\_  
MM / DD / YYYY  
Case number, if known \_\_\_\_\_

List all cases. If more than 1, attach a separate list.

Debtor Shomara, Inc.  
Name

Case number (if known) \_\_\_\_\_

**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other \_\_\_\_\_

**Where is the property?**

Number \_\_\_\_\_ Street \_\_\_\_\_  
\_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Is the property insured?**

- ☐ No
- ☐ Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds**

Check one:

- ☐ Funds will be available for distribution to unsecured creditors.
- ☒ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

**14. Estimated number of creditors**

- |                                          |                                        |                                            |
|------------------------------------------|----------------------------------------|--------------------------------------------|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5,001-10,000  | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |                                        |                                            |

**15. Estimated assets**

- |                                                         |                                                      |                                                        |
|---------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> \$0-\$50,000                   | <input type="checkbox"/> \$1,000,001-\$10 million    | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000             | <input type="checkbox"/> \$10,000,001-\$50 million   | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input checked="" type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million  | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million          | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion        |



Debtor Shomara, Inc.  
Name

Case number (if known) \_\_\_\_\_

16. Estimated liabilities

- |                                                         |                                                      |                                                        |
|---------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> \$0-\$50,000                   | <input type="checkbox"/> \$1,000,001-\$10 million    | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000             | <input type="checkbox"/> \$10,000,001-\$50 million   | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input checked="" type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million  | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million          | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion        |

**Request for Relief, Declaration, and Signatures**

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

- ☒ The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
- ☐ I have been authorized to file this petition on behalf of the debtor.
- ☐ I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 09/29/2017  
MM / DD / YYYY

x

Signature of authorized representative of debtor

Printed name

Title President

Roben Olmedo

18. Signature of attorney

x

Signature of attorney for debtor

Date

MM / DD / YYYY

Printed name

Firm name

Number Street

City

State

ZIP Code

Contact phone

Email address

Bar number

State

**UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK**

In re: Shomara, Inc.

**AFFIDAVIT OF MARIO O. OLMEDO, PRESIDENT OF SHOMARA, INC., PURSUANT  
TO RULE 1007-2 OF THE LOCAL BANKRUPTCY RULES FOR THE SOUTHERN  
DISTRICT OF NEW YORK IN SUPPORT OF CHAPTER 11 PETITION**

1. I respectfully submit this Affidavit pursuant to Rule 1007-2 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Rules"). Except as otherwise indicated, all facts set forth in this Affidavit are based upon my personal knowledge and my review of relevant documents.

**The Debtor's Business**

2. Debtor, a Corporation organized 04/25/2006, under the laws of the State of New York, which entity maintains its principal place of business at 227 East 116<sup>th</sup> Street, New York, New York 10032.

3. Debtor was formed to acquire, own and manage a Mexican food restaurant.

**Events leading to the Chapter 11 Filing**

4. Debtor has been negatively impacted by a lack of substantial participation of the two (2) people responsible for its proficient operation because, unfortunately, of the illness suffered by the father, Mario Olmedo, and his son, Mario Olmedo, Jr. team operation. Their illnesses have severely hampered the continuity of the business, due to the illnesses of both parties. However, Debtor heretofore has been able to continue to survive economically, despite sluggish sales that commenced at the onset of the operators illnesses.

5. In light of the foregoing unfortunate circumstances, the Debtor has determined that it is in its best interest (including, without limitation, the need to preserve and maximize the value of the assets, protect future receivables and to minimize liabilities) to file Chapter 11.

6. Further, the debtor believes that the business is now improving in its sales and is quite profitable and capable of standing on its own, if the current debt burdens are extended and paid via a 5 year payment plan.

**UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF  
NEW YORK**

In re: Shomara, Inc.

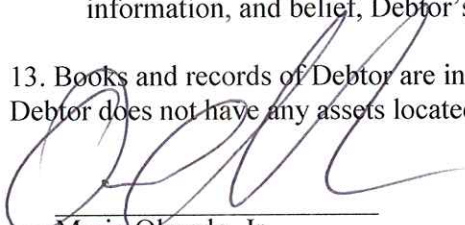
-2-

10. In accordance with Local Rules 1007-2(a) (4) and (5), and to the best of my knowledge, information, and belief, Debtor has one (1) secured creditor and (2) unsecured creditors list attached to and made part of this Affidavit.

11. In accordance with Local Rules 1007-2(a) (8), and to the best of my knowledge, information, and belief, no property of the Debtor is in possession or custody of any custodian, public officer, receiver, trustee, assignee for the benefit of creditors, mortgagee, pledge, assignee of rents, secured creditor or any agent for any of the foregoing.

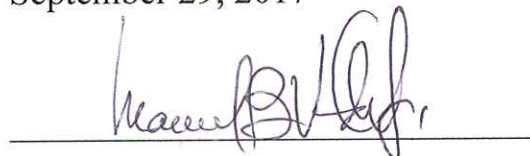
12. In accordance with Local Rules 1007-2(a) (9), and to the best of my knowledge, information, and belief, Debtor's lease is in full force

13. Books and records of Debtor are in its possession at 227 E. 116<sup>th</sup> Street, New York, NY 10029. Debtor does not have any assets located outside the United States.

  
\_\_\_\_\_  
Mario Olmedo, Jr.  
Ruben

Sworn to before me this 29<sup>th</sup> day of

September 29, 2017

  
\_\_\_\_\_



**LIST OF CREDITORS**

RE: Shomara, Inc.

New York State Tax Commission  
New York State Dept of Taxation and Finance  
Bankruptcy Section  
PO Box 5300  
Albany NY 12205-0300

Internal Revenue Service  
Post Office Box 7317  
Philadelphia, PA 19101-7317

Consolidated Edison  
4 Irving Pl, New York, NY 10003